

Notice of Allowability

Application No.

10/712,637

Examiner

Thong Q. Nguyen

Applicant(s)

FLORA, LAPTHE CHAU

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 12/13/04 and the Appeal Brief of 1/31/05.
2. ☒ The allowed claim(s) is/are 7-13, 15 and 18-19 which are renumbered as claims 1-10.
3. ☒ The drawings filed on 13 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

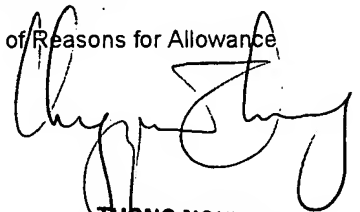
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/7/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**THONG NGUYEN
PRIMARY EXAMINER**

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 12/13/2004 and the Appeal Brief filed on 1/31/2005.

It is noted that in the mentioned amendment, applicant has amended claims 15 and 18 and canceled claims 16-17. The remaining claims 7-13, 15 and 18-19 are examined in this application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claim(s):

In claim 7: on line 1, **changed "nigh" to -night--.**

Allowable Subject Matter

3. Claims 7-13, 15 and 18-19 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The night vision assembly as recited in each of claims 7, 13 and 15 is patentable with respect to the applied art by the limitations related to the structure of the fastener associated with an image intensifier device including a housing and a

lens assembly wherein the fastener comprises an enlarged head having substantially the same shape as a lens cap or the cylindrical portion of the lens assembly so that the lens cap can be removed from the lens assembly and retained on the fastener with an interference fit when the lens assembly is in use. It is noted that the use of a lens cap for covering a lens assembly of an optical device having a housing when the lens assembly is not in use and then be removed from the lens assembly to retain on a section of the housing is disclosed in the Japanese reference No. 2-118534 (see the attached English translation on page 3); however, the device provided by the mentioned Japanese reference does not include an image intensifier device and a lens assembly operatively arranged therewith for receiving low intensity light. There is not any reference be found by the examiner to suggest the use of the lens cap disclosed by the mentioned Japanese reference in a night vision device having the features of a lens cap for use in a device comprises an image intensifier device and a lens assembly operatively arranged therewith for receiving low intensity light.

The Examiner regrets to allow the application after the applicant has filed an Appeal brief; however, the applicant's arguments provided in the brief are persuasive on the issue of nonobviousness.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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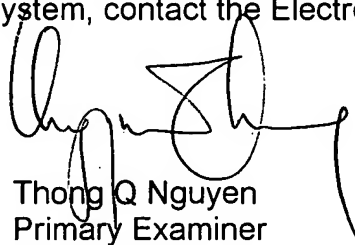
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Nguyen
Primary Examiner
Art Unit 2872
